

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
VERONICA HILL CONLEY)	CASE NO. 00-74652-MHM
)	
Debtor)	

ORDER

On October 1, 2004, Debtor filed a Request to Release Funds Held in Registry to Debtor. A hearing on Debtor's motion was scheduled for October 28, 2004. Debtor alleges that "all creditors have been paid" and seeks release of funds in the amount of \$4,300 paid into the registry of the court by the Chapter 13 Trustee as funds payable to First Union Mortgage. Apart from the bare allegation that creditors have been paid, Debtor provides no evidence or explanation for her statement.¹

Disposition of unclaimed funds that have been paid into the Registry of the Court is addressed in 28 U.S.C. §2041, *et seq.*, which requires that the clerk hold the funds for their owner for five years, after which they escheat to the Treasury. Any funds unclaimed after five years, however, may be claimed by the debtor on whose behalf the funds were paid. *Georgian Villa, Inc. V. U.S.*, 55 F. 3d 1561 (11th Cir. 1995); *In re George Rodman, Inc.*, 50 B.R. 313 (Bankr. W.D. Okla. 1985).

¹ On July 19, 2004, The Locator Services Group, Ltd. filed a petition for payment of the unclaimed funds referenced above. That petition was denied without prejudice, but the Clerk, U.S. Bankruptcy Court, failed to properly serve the petitioner. That order will be re-served.

The funds which are the subject of Debtor's Request were deposited in the Registry October 22, 2003. Therefore, Debtor's Request is untimely and appears to be without factual foundation. Accordingly, it is hereby

ORDERED that the Request to Release Funds Held in Registry to Debtor is *denied* and the *hearing* scheduled for October 28, 2004, is *cancelled*.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, Debtor's attorney, the Chapter 13 Trustee, Yvonne Evans, and The Locator Services Group, Inc.

IT IS SO ORDERED, this the ____ day of October, 2004.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE